

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA | X | |
| | : | |
| -against- | : | Hon. Jed S. Rakoff |
| | : | |
| MONZER AL KASSAR, | : | S3 07 Cr. 354 (JSR) |
| TAREQ MOUSA AL GHAZI, and | : | |
| LUIS FELIPE MORENO GODOY | : | |
| | : | |
| Defendants. | : | |
| | X | |

NOTICE OF MOTION TO DISMISS THE INDICTMENT AND OTHER RELIEF

PLEASE TAKE NOTICE, that upon the annexed Affidavits of Monzer Al Kassar and Elliott Z. Stein, and the accompanying Memorandum of Law, the undersigned, on behalf of defendant Monzer Al Kassar, will move this Court, at a session to be held before the Honorable Jed S. Rakoff, at the Moynihan Federal Courthouse, located at 500 Pearl Street, New York, New York, on August 5, 2008, at 10:00 a.m., for an order granting the following relief:

- (1) permitting Mr. Al Kassar to join in the motions filed by his co-defendants;
- (2) dismissing the Indictment because the extradition of the Defendants was predicated on false and misleading affidavits sworn to before this Court, in violation of Defendants' rights to due process under the Fifth Amendment to the U.S. Constitution, or in the alternative, conducting a pre-trial hearing on this issue;
- (3) compelling the government to identify "known" accomplices;
- (4) compelling the government to provide a Bill of Particulars as specified herein;

- (5) compelling the government to disclose the identity of, and produce for interviews, its confidential informants;
- (6) compelling the government, pursuant to Rule 16, to produce: (i) recordings of the February 6-7, 2007 meetings, (ii) the recording devices used by the government informants, (iii) recorded telephone conversations, and transcripts thereof, between any Defendant and third-parties, and (iv) notes of post-arrest conversations between any Defendant and United States government agents; and
- (7) permitting Mr. Al Kassar to file additional, appropriate motions.

Dated: New York, New York
July 15, 2008

Respectfully submitted,

DICKSTEIN SHAPIRO, LLP

By: 

Ira Lee Sorkin

Nicole DeBello

Elliott Z. Stein

Attorneys for Monzer Al Kassar

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CERTIFICATE OF SERVICE

I, Elliott Z. Stein, an attorney, hereby certify that on July 15, 2008, I caused to be electronically filed defendant Monzer Al Kassar's Motion to Dismiss the Indictment and Other Relief, and supporting Memorandum of Law, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Marc A. Agnifilo
Brafman & Associates, P.C.
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New York, New York 10017

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stein', is written over a horizontal line.

Elliott Z. Stein